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In re Application of
HARATS et al.
Application No.: 10/567,543
PCT No.: PCT/IL04/00453
Int. Filing Date: 27 May 2004
Priority Date: 27 May 2003
Attorney Docket No.:31532
For: OXIDIZED LIPIDS AND USES
THEREOF IN THE TREATMENT OF
INFLAMMATORY DISEASES AND
DISORDERS

DECISION ON
under 37 CFR 1.497(d)

This is a decision on applicant's "Petition to Correct Inventor's Names" under 37 CFR 1.497(d), filed on 25 April 2008 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 20 March 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, were required.

On 18 April 2008, applicant filed a response along with an executed declaration.

On 25 April 2008, applicant filed a "Petition to Correct Inventor's Name" under 37 CFR 1.497(d) along with an executed declaration.

DISCUSSION

Niva Yacov and Eti Kovalevski-Ishai were not named as inventors in the published international application PCT/IL04/00453. The declaration submitted on 25 April 2008 identified Niva Yacov and Eti Kovalevski-Ishai as co-inventors and thus was not in compliance with 37 CFR 1.497(a) and (b). Since Niva Yacov and Eti Kovalevski-Ishai were not accepted under PCT Rule 92bis as co-inventors, it is improper to accept a declaration identifying them as co-inventors. Applicant asks consideration of his petition under 37 CFR 1.497(d) to add Niva Yacov and Eti Kovalevski-Ishai as inventors.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant satisfied Items (1) and (2) above. With regard to Item (3), applicant has provided the Written Consent of Vascular Biogenics Ltd. to correct the inventorship under 37 CFR 1.497(d)(3) consenting to the addition of Niva Yacov and Eti Kovalevski-Ishai as inventors in this application. Item (3) above is satisfied.

Accordingly, applicant has now met all of the requirements to add Niva Yacov and Eti Kovalevski-Ishai as co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventor's Names in the above-captioned application is **GRANTED**.

The declaration, executed by all inventors including Niva Yacov and Eti Kovalevski-Ishai as a joint inventors in the above referenced application, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **25 April 2008**.



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